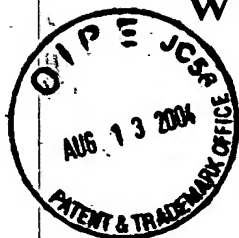


RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE *
STERLING A. BRENNAN
R. BURNS ISRAELSEN
DAVID R. TODD
GREGORY M. TAYLOR
DAVID B. DELLENBACH
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED



R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
WILLIAM R. RICHTER
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGER
WILLIAM J. ATHAY
MICHAEL B. DODD
RYAN D. BENSON
SARA D. JONES
TIGE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OLDHAM
MICHAEL J. FRODSHAM
JOSEPH L. KRUPA
BRETT A. HANSEN
BRETT I. JOHNSON
MATTHEW A. BARLOW
WESLEY C. ROSANDER
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE
DAVID J. LORENZ †
RYAN N. FARR *
JAMES B. BELSHE

* Admitted only in California
† Admitted only in New York



WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

8-16-04 Ifw
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: HTTP://WWW.WNLAW.COM

EXPRESS MAIL LABEL NO.: EV396740786US PATENT APPLICATION
Docket No.: 7678.859

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of seventy-eight (78) references submitted for consideration.
- ☒ Legible copies of the listed foreign and publication references or their relevant portions.
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- ☒ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☐ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified



prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

___ Legible Copies of previously filed Information Disclosure Statement for application Serial No. ___, filed ___.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

___ Promptness Certification.

X Check No. 138358 in the amount of \$240.00 constituting submission fee under 37 C.F.R. 1.17(p);

___ Petition for Consideration and Check No. ___ in the amount of \$___.

X In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Promptness Certification meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 13th day of August, 2004.

Respectfully submitted,

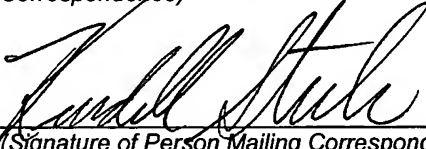
RICK D. NYDEGGER

Attorney for Applicant

Registration No. 28,651

Customer No. 022913



CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)				Docket No. 7678.859	
Applicant(s): Norbert Abels, et al.					
Serial No. 10/782,487	Filing Date February 19, 2004	Confirmation No. 5673	Examiner Not Yet Known	Group Art Unit 3732	
Invention: TWO-PART ORTHODONTIC BRACKET					
<p>I hereby certify that the Transmittal letter (2 pages) (in triplicate); Information Disclosure Statement (2 pgs); Form PTO-1449 Listing all Cited References (6 pgs); Legible Copies of Ten (10) Cited References; and postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>Aug 13</u>, 2004.</p>					
<p>Kendell Steele</p> <p>(Typed or Printed Name of Person Mailing Correspondence)</p> <p></p> <p>(Signature of Person Mailing Correspondence)</p> <p>EV 396740786 US</p> <p>(<i>"Express Mail"</i> Mailing Label Number)</p>					
KCS0000002737V001					



EXPRESS MAIL LABEL NO.: EV 396740786 US

PATENT APPLICATION
Docket No.: 7678.859

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
	Norbert Abels, et al.)
)
Serial No.:	10/782,487) Art Unit
) 3732
Filed:	February 19, 2004)
)
Confirmation No.:	5673)
)
For:	TWO-PART ORTHODONTIC BRACKET)
)
Examiner:	Not Yet Known)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§

Repln. Ref: 08/17/2004 WABDELRI 0017160800
DAH:233178 Name/Number:10782487
FC: 9204 \$60.00 CR

102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. § 1.98(c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each nonenglish reference, if any, are also enclosed.

Statement of Relevance of References Listed
Unaccompanied by English Translation
Under 37 C.F.R. § 1.98(a)(3)

In accordance with 37 C.F.R. § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided.

DE 1 184 451:

An orthodontic bracket that includes a base and an internal slot parallel to a tooth surface for receipt of an arch wire. A crew is used to lock the arch wire within the slot during use of the bracket.

DE 296 08 349 U1:

This orthodontic bracket molded in plastic has a base pad (1) with a reception and guidance section (2). On the side facing the pad there is a slot (3) for a wire bow (4). In its

upper part, the receiving section has projections (6, 7) protruding inwards from both sides of the slot, to retain the wire bow.

The new design specifies that the projections should be of a different plastic from the pad. This has greater resistance to shearing off by the wire bow, than similar moldings entirely in first plastic.

Pref. the second plastic has greater shear strength than the first; it also has a lower notch-test sensitivity. The first plastic is a polyary ether ketone (PAEK) or a acetyl resin, esp. a polyoxymethylene homopolmer (POM) and the second is a polyamide or a polycarbonate. The second may be a glass fiber-filled thermoplastic. The projections (6, 7) are constructed as profiles (8, 9) embedded in the first plastic. The first plastic may be injected around the profiles. The profiles are U-shaped in section and line the slot (3). The profile sections may run along a undercut groove in one or both of the walls bordering the reception and guidance section (2).

DT 23 57 573:

The dental brace has a body with mesial-distal clasp wire slot opening toward the labial surface part, and a mounting element mounted on the brace body and having two opposed parts in embracing sliding engagement with the corresponding surface parts of the body. One part is shaped so that it extends over the labial surface part to close the corresp. side of the slot and hold the wire, while the mounting element is movable with the embracing sliding engagement on the brace body between two positions, in which the labial slot side opening is correspondingly opened and closed. Units positively hold the mounting at least in the slot-closing position. No separate connection is needed to clamp the wire in the slot.

G 91 12 872.2:

A new esthetic bracket protector is formed of a silicone material and can be placed over the orthodontic bracket to achieve the esthetic purpose. The protector is round-shaped, is hollow in the interior and has a covering. There is a hole in each side for the main wire to pass through and there is a slid from each hole to the base of the covering. In this manner, the protector may be easily pressed over the bracket and wire. It covers the bracket, prevents musosal ulceration and caries and provides an esthetic appearance.

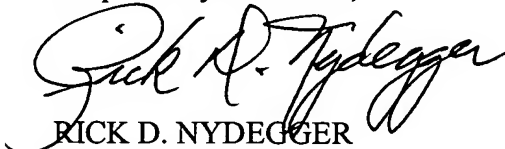
Konstruieren mit Kunststoffen:

A survey of various materials for use in making integral film hinge structures between two hingeable pieces. Examples of structures that utilize an integral film hinge includes boxes, canisters, slide viewing plates, razors, cubes, and locking structures.

Since all other listed references are either in the English language or were accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

Dated this 13th day of August, 2004.

Respectfully submitted,



RICK D. NYDEGGER
Attorney for Applicant
Registration No. 28,651
Customer No. 022913

Applicant: Norbert Abels, et al.

Serial No.: 10/782,487

Att'y Docket No.: 7678.859

Filing Date: February 19, 2004

Group: 3732

For: TWO-PART ORTHODONTIC BRACKET

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
___ 1	2,011,575	08/20/35	Ford
___ 2	3,128,552	04/14/64	Broussard
___ 3	3,218,713	11/23/65	Wallshein
___ 4	3,724,074	04/03/73	Wallshein
___ 5	3,748,740	07/31/73	Wildman
___ 6	3,654,207	12/17/74	Wildman
___ 7	4,077,126	03/07/78	Pletcher
___ 8	4,103,423	08/01/78	Kessel
___ 9	4,144,642	03/20/79	Wallshein
___ 10	4,171,568	10/23/79	Förster
___ 11	4,180,912	01/01/80	Kesling
___ 12	4,279,593	07/21/81	Röhlcke
___ 13	4,355,975	10/26/82	Fujita
___ 14	4,371,337	02/01/83	Pletcher
___ 15	4,419,078	12/06/83	Pletcher
___ 16	4,492,573	01/08/85	Hanson

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Norbert Abels, et al.

Serial No.: 10/782,487

Att'y Docket No.: 7678.859

Filing Date: February 19, 2004

Group: 3732

For: TWO-PART ORTHODONTIC BRACKET

_____ 17	4,527,975	07/09/85	Ghafari, et al.
_____ 18	4,559,012	12/17/85	Pletcher
_____ 19	4,559,013	12/17/85	Amstutz, et al.
_____ 20	4,597,739	07/01/86	Rosenberg
_____ 21	4,614,497	09/30/86	Kurz
_____ 22	4,634,662	01/06/87	Rosenberg
_____ 23	4,655,708	04/07/87	Fujita
_____ 24	4,687,441	08/18/87	Klepacki
_____ 25	4,698,017	10/06/87	Hanson
_____ 26	4,712,999	12/15/87	Rosenberg
_____ 27	4,786,252	11/22/88	Fujita
_____ 28	4,846,681	07/11/89	Mourany et al.
_____ 29	4,850,865	07/25/89	Napolitano
_____ 30	4,859,179	08/22/89	Kesling
_____ 31	4,913,654	04/03/90	Morgan et al.
_____ 32	5,037,296	08/06/91	Karwoski
_____ 33	5,062,794	11/05/91	Miura
_____ 34	5,078,96	01/07/92	Carberry et al.
_____ 35	5,094,614	03/10/92	Wildman
_____ 36	5,125,832	06/30/92	Kesling

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Norbert Abels, et al.

Serial No.: 10/782,487

Att'y Docket No.: 7678.859

Filing Date: February 19, 2004

Group: 3732

For: TWO-PART ORTHODONTIC BRACKET

_____ 37	5,160,260	11/03/92	Chang
_____ 38	5,161,969	11/10/92	Pospisil
_____ 39	5,174,754	12/29/92	Meritt
_____ 40	5,224,858	07/06/93	Hanson
_____ 41	5,269,681	12/14/93	Degnan
_____ 42	5,275,557	01/04/94	Damon
_____ 43	5,322,435	06/21/94	Pletcher
_____ 44	5,344,315	09/06/94	Hanson
_____ 45	5,380,197	01/10/95	Hanson
_____ 46	5,429,499	07/04/95	Sernetz
_____ 47	5,456,599	10/10/95	Hanson
_____ 48	5,470,228	11/28/95	Franseen et al.
_____ 49	5,474,445	12/12/95	Voudouris
_____ 50	5,474,446	12/12/95	Wildman et al.
_____ 51	5,556,276	09/17/96	Roman, et al.
_____ 52	5,562,444	10/08/96	Heiser et al.
_____ 53	5,586,882	12/24/96	Hanson
_____ 54	5,630,715	05/20/97	Voudouris
_____ 55	5,630,716	05/20/97	Hanson
_____ 56	5,685,711	11/11/97	Hanson

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Norbert Abels, et al.

Serial No.: 10/782,487

Att'y Docket No.: 7678.859

Filing Date: February 19, 2004

Group: 3732

For: TWO-PART ORTHODONTIC BRACKET

_____ 57	5,711,666	01/27/98	Hanson
_____ 58	5,738,513	04/14/98	Hermann
_____ 59	5,857,849	01/12/99	Kurz
_____ 60	5,863,199	01/26/99	Wildman
_____ 61	5,885,074	03/23/99	Hanson
_____ 62	5,906,486	05/25/99	Hanson
_____ 63	5,913,680	06/22/99	Voudouris
_____ 64	5,964,589	10/12/99	Musich
_____ 65	6,017,118	01/25/00	Gasvoda et al.
_____ 66	6,071,119	06/06/00	Christoff et al.
_____ 67	6,042,373	03/28/00	Hermann
_____ 68	6,042,374	03/28/00	Frazin-Nia
_____ 69	6,169,429	01/02/01	Brown

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
_____ 70	DE 1 184 451	12/31/64	Germany
_____ 71	DE 296 08 349 U1	07/11/96	Germany

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Norbert Abels, et al.

Serial No.: 10/782,487

Att'y Docket No.: 7678.859

Filing Date: February 19, 2004

Group: 3732

For: TWO-PART ORTHODONTIC BRACKET

_____ 72	DT 23 57 573	05/22/75	Germany
_____ 73	G 91 12 872.2	03/19/92	Germany
_____ 74	WO 94/00072	06/01/94	PCT
_____ 75	EP 0 714 639 A2	05/06/96	EP
_____ 76	EP 0 714 639 A3	05/03/96	EP
_____ 77	WO 00/33760	06/15/00	PCT
_____ 78	WO 00/76419	12/21/00	PCT

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Norbert Abels, et al.

Serial No.: 10/782,487

Att'y Docket No.: 7678.859

Filing Date: February 19, 2004

Group: 3732

For: TWO-PART ORTHODONTIC BRACKET

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial*

_____ 79 Konstruieren mit unststoffen, Gunter Erhard, Carl Hanser Verlag München Wien,
pp. 314-329, 1999.

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
